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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,967	07/31/2006	Peter Ludwig	64349US010	6670

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EXAMINER

MOORE, WALTER A

ART UNIT	PAPER NUMBER
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4132

NOTIFICATION DATE	DELIVERY MODE
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11/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/587,967	Applicant(s) LUDWIG, PETER	
	Examiner WALTER MOORE	Art Unit 4132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10262007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stochastically shaped and distributed corner-joined polygons having between four and seven corners of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show stochastically shaped and distributed corner-joined polygons having between four and seven corners as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing.

MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because it lacks the following section headings: Background, Brief Summary of the Invention, Brief Description of the Several Views of the Drawings, and the Detailed Description of the Invention.

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

6. Arrangement of the Specification: As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- a. TITLE OF THE INVENTION.
- b. CROSS-REFERENCE TO RELATED APPLICATIONS.
- c. STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- d. THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- e. INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- f. BACKGROUND OF THE INVENTION.
 - i. Field of the Invention.
 - ii. Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98
- g. BRIEF SUMMARY OF THE INVENTION.
- h. BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- i. DETAILED DESCRIPTION OF THE INVENTION.
- j. CLAIM OR CLAIMS (commencing on a separate sheet).
- k. ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- l. SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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7. The disclosure is objected to because of the following informalities: In the description of the drawings section, the label Fig. 5 is used twice to label two different drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claim 1, the phrase, "which is suitable for a self-adhesive material provided with a layer of adhesive and comprises a relief structure with raised webs forming substantially complementary channels in the layer of adhesive, through which air trapped during adhesion can escape," renders the claim indefinite. The claim indefinite because it is unclear whether the limitations following the phrase, "which is suitable for depositing," are part of the claimed invention.

11. Regarding claim 8, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033

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(Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 8 recites the broad recitation regular polygon structure comprising polygons having between four and eight corners, and the claim also recites rhombuses or regular hexagons which is the narrower statement of the limitation.

12. Claim 11 recites the limitation "each one polygon". There is insufficient antecedent basis for this limitation in the claim. Claim 11 is dependent on claim 1; claim 1 does not include a limitation requiring the relief pattern to be a polygonal structure.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sher et al., USPN 6,197,397.

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15. Regarding claim 1, Sher is drawn to adhesive materials with three-dimensional topography (Abstract). Sher creates the adhesive's topography by coating the adhesive onto an embossed release liner (Col. 15, In. 44-45). Sher discloses an adhesive article comprising a laminar substrate ("release liner", Col. 3, In. 52-53) and a separating layer applied thereon ("silicone release coating", Col. 15, In. 17), which is suitable for depositing a self-adhesive material ("Pressure Sensitive Adhesive", Col. 15, In. 44) provided with a layer of adhesive (Col. 15, In. 44) and comprises a relief structure ("microembossed", Col. 15, In. 18) with raised sections ("microridges", Col. 15, In. 31) forming substantially complementary channels ("intersecting microchannels" Col. 15, In. 31) in the layer of adhesive, through which air trapped during adhesion can escape (Col. 5, In. 22), characterized in that the relief structure is provided, at least in part, by an imprint on the substrate (Col. 15, In. 18).

16. Regarding claim 2, Sher taught the substrate ("liner") comprised paper (Col. 21 In. 29).

17. Regarding claims 3 and 4, Sher taught the substrate ("liner") comprised paper (Col. 21 In. 29) coated with plastic (Col. 21 In.31).

18. Regarding claim 5, Sher taught the substrate ("liner") comprised plastic film (Col. 9, In. 17-20).

19. Regarding claim 6, Sher taught the substrate ("liner") comprised plastic film coated with plastic (Col. 15, In. 13-16).

20. Claim 7 claims separating layer carrier according to one of claim 1, wherein the separating layer ("liner") is imprinted on the substrate with the relief structure covering

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the entire surface. Sher does not expressly state the relief structure is imprinted on the entire surface of the interlayer support ("release liner"). However, Sher implies the relief structure exists on the interlayer support ("release liner") in three different ways.

21. First, Sher implies the relief structure ("microembossed pattern") is imprinted entirely on the interlayer ("release liner"). In Sher, the relief pattern was formed by passing the multiple layer film laminate through an engraved roller apparatus, which formed a relief pattern on the interlayer support ("release liner", Col. 15, In. 19-21). Since there is a plastic layer in the interlayer support ("release liner") and there was a relief structure formed on the interlayer support ("release liner"), there was a relief structure formed on the plastic coating of the interlayer support ("release liner") taught in Sher. Sher does not indicate that there is a margin section to the rollers. The pattern formed on the substrate is a "pattern of continuous raised intersecting microridges" (Col. 15, In. 31). The lack of a margin on the periphery of the rollers and the continuous pattern implies that the relief pattern is formed on the entire surface of the substrate.

22. Second, Figure 1 is photograph of a substrate ("release liner"). Figure 1 shows a relief structure over the entire surface of the substrate in the photograph.

23. Third, Sher prepared several test samples. The test samples have a substrate with a relief pattern printed on the entire surface of the substrate. Sher conducted tests of the various properties of the adhesive material. In order to form each test sample, Sher passed a substrate ("liner") through a roller with a continuous pattern (Col. 15, In. 31). After passing through the roller assembly, adhesive was applied to each sample (Col. 16, Examples 6-8, In. 66). Then, Sher cut a circular section out of the adhesive

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material (Col. 13, In. 49-65). Cutting a circular section out of a prepared adhesive material implies that the relief pattern existed on the entire surface of the test sample.

In order to form the relief pattern on the adhesive, a relief pattern existed on the substrate contacting the adhesive (Col. 3, In. 35-36; and Col. 15, In. 59-60). So, the relief pattern covered the entire substrate of the test sample.

24. Claim 8 claims the separating layer carrier according to claim 1, wherein the relief structure is a regular polygonal structure comprising polygons having between four and eight corners, in particular rhombuses or regular hexagons. Sher prepared an example with interconnected hexagons in a honeycomb arrangement (Col. 21, In. 1).

25. Claim 10 claims the separating layer carrier according to claim 1, wherein the relief structure comprises sections having a width of from 50 μm to 200 μm and a height of from 5 μm to 40 μm . Sher prepared a separating layer carrier ("liner") that had a section ("ridge") width of 165 microns (165 microns = 165 μm ; Col. 16, In. 39).

Regarding the height of the sections, Sher prepared an separating layer carrier ("liner") in which the section ("ridge") height was between 25 and 30 microns high (25 microns = 25 μm and 30 microns = 30 μm ; Col. 16, In. 39).

26. Claim 11 claims the separating layer carder according to claim 1, wherein each one polygon covers an area of from 0.5 mm^2 to 3 mm^2 . Sher prepared a supporting layer carrier ("liner") sample with polygonal shapes imprinted on the substrate material. In Examples 2 and 3 the separating layer carrier ("liner") was imprinted with polygons. The area of the polygons was 0.5929 mm^2 (Col. 16, Table 1; "Engraved Roll Groove Spacing", 0.77mm x 0.77mm = 0.5929 mm^2).

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27. Regarding claim 12, Sher disclosed a self adhesive material with the same structure claimed in claim 12. Sher provides an example of the adhesive article with a layer of adhesive deposited on the relief structure of the substrate (Col. 15, ln. 55-58). The adhesive article in Sher had all the limitations of claim 1. Additionally, Sher added adhesive to the article. Once the release liner was removed the adhesive would adhere to a contact surface (See rivet panel test results Table 1, Col. 16).

28. Claim 12 claims a self-adhesive material comprising a separating layer carrier according to claim 1. Sher taught the separating layer carrier ("liner") and added adhesive to the article. See the rejection of claim 1 regarding the structure of the interlayer support with an adhesive. Sher prepared examples of the separating layer carrier ("liner") with a layer of adhesive deposited on the relief structure of the substrate (Col. 15, ln. 55-58).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher et al., USPN 6,197,397.

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31. Sher is drawn to adhesive materials with three-dimensional topography (Abstract). Sher creates the adhesive's topography by coating the adhesive onto an embossed release liner (Col. 15, ln. 44-45). Sher discloses an adhesive article comprising a laminar substrate ("release liner", Col. 3, ln. 52-53) and a separating layer applied thereon ("silicone release coating", Col. 9, ln. 11-24; and Col. 15, Examples 1-4, ln. 17), which is suitable for depositing a self-adhesive material ("Pressure Sensitive Adhesive", Col. 3, ln. 41-46; and Examples Col. 14, ln. 8 to Col. 15, ln. 10) provided with a layer of adhesive (Examples Col. 14, ln. 8 to Col. 15, ln. 10) and comprises a relief structure ("microembossed pattern", Col. 3, ln. 50-56; Col. 4, ln. 11-15; and Col. 15, Examples 1-4) with raised sections ("raised microridges", Col. 15, ln. 30-43) forming substantially complementary channels ("interconnected microchannels", Col. 8, ln. 7; and Col. 15, Examples 1-4, ln. 58) in the layer of adhesive, through which air trapped during adhesion can escape (Col. 5, ln. 21-25; Col. 10, ln. 34-36), characterized in that the relief structure is provided, at least in part, by an imprint on the substrate (Col. 3, ln. 50-56; Col. 15, ln. 18).

32. Claim 7 claims separating layer carrier according to one of claim 1, wherein the separating layer ("liner") is imprinted on the substrate with the relief structure covering the entire surface. Sher does not expressly state the relief structure is imprinted on the entire surface of the interlayer support ("release liner"). However, Sher implies the relief structure exists on the interlayer support ("release liner") in three different ways.

33. First, Sher implies the relief structure ("microembossed pattern") is imprinted entirely on the interlayer ("release liner"). In Sher, the relief pattern was formed by

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passing the multiple layer film laminate through an engraved roller apparatus, which formed a relief pattern on the interlayer support ("release liner", Col. 15, In. 19-21).

Since there is a plastic layer in the interlayer support ("release liner") and there was a relief structure formed on the interlayer support ("release liner"), there was a relief structure formed on the plastic coating of the interlayer support ("release liner") taught in Sher. Sher does not indicate that there is a margin section to the rollers. The pattern formed on the substrate is a "pattern of continuous raised intersecting microridges" (Col. 15, In. 31). The lack of a margin on the periphery of the rollers and the continuous pattern implies that the relief pattern is formed on the entire surface of the substrate.

34. Second, Figure 1 is photograph of a substrate ("release liner"). Figure 1 shows a relief structure over the entire surface of the substrate in the photograph.

35. Third, Sher prepared several test samples. The test samples have a substrate with a relief pattern printed on the entire surface of the substrate. Sher conducted tests of the various properties of the adhesive material. In order to form each test sample, Sher passed a substrate ("liner") through a roller with a continuous pattern (Col. 15, In. 31). After passing through the roller assembly, adhesive was applied to each sample (Col. 16, Examples 6-8, In. 66). Then, Sher cut a circular section out of the adhesive material (Col. 13, In. 49-65). Cutting a circular section out of a prepared adhesive material implies that the relief pattern existed on the entire surface of the test sample. In order to form the relief pattern on the adhesive, a relief pattern existed on the substrate contacting the adhesive (Col. 3, In. 35-36; and Col. 15, In. 59-60). So, the relief pattern covered the entire substrate of the test sample.

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36. In the event that the disclosure in Sher does not anticipate claim 7, then it would have been obvious to one of ordinary skill in the art to make an interlayer with a relief structure covering the entire substrate. One would be motivated to use a substrate with a relief structure provided on the entire substrate because the channels formed by the relief structure are required to allow air trapped in under the adhesive to escape (Col. 10, ln. 43-44) and the absence of channels reduced the adhesive's ability to effectively exhaust trapped air (Col. 13, ln. 60-63).

37. Claim 9 claims the separating layer carder according to claim 1, wherein the relief structure is an irregular polygonal structure comprising stochastically shaped and distributed corner-joined polygons having between four and seven corners.

38. Sher provides examples of the adhesive material with a relief pattern wherein the shaped formed on the relief pattern are corner-joined (Figures 1 and 3; and Col. 15, ln. 30-32).

39. Sher did not prepare an example with an irregular polygonal structure comprising stochastically shaped and distributed irregular polygons. However, Sher suggests the pattern imprinted on the substrate could be stochastically shaped and distributed polygons.

40. First, Sher teaches the shape of the relief pattern could be based on Euclidean or fractal geometry (Col. 4, ln. 29). Euclidean geometry includes all shapes of polygons. Additionally, Sher teaches the relief structure could be distributed like a "tributary-river configuration in a watershed" (Col. 7, ln. 38-40). A tributary-river system is a system of rivers joining together. Each stream enters the river system at a different point. The

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overall system creates a series of interconnected channels. The spaces between the channels have various shapes and sizes. Looking at a selected region of the river system the shapes and sizes of the spaces between the river channels could appear to be random. Additionally, fractals are complex mathematically defined shapes, which appear to be repeating sequences of random shape distributions.

41. It would have been obvious to one of ordinary skill in the art to make a separating layer with stochastically shaped and distributed polygons because Sher suggests that the irregular shape aids in fluid egress from under the adhesive layer as it is applied to a substrate (Col. 7, Ln. 38-40).

42. In the alternative, if Sher does not sufficiently suggest the claimed relief structure, it is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape which would have been unforeseen to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape of the relief structure pattern. One skilled in the art would have been motivated to do so in order to improve fluid egress from under the adhesive layer (Sher, Col. 7, Ln. 38-40).
MPEP 2144.04 IV.

43. Regarding claim 12, Sher disclosed a self adhesive material with the same structure claimed in claim 12. Sher provides an example of the adhesive article with a layer of adhesive deposited on the relief structure of the substrate (Col. 15, Ln. 55-58).

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The adhesive article in Sher had all the limitations of claim 1. Additionally, Sher added adhesive to the article. Once the release liner was removed the adhesive would adhere to a contact surface (See rivet panel test results Table 1, Col. 16).

Double Patenting

44. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

45. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

46. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

47. Claims 1-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 6-8, and 11-13 of copending Application No. 10/588,134 in view of Sher et al., USPN 6,197,397. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

48. Claim 1 in Serial No. '134 claims an interlayer support ("separating layer carrier" in present application) comprising a laminar substrate and an interlayer ("separating layer") applied thereon, which is suitable for depositing a self-adhesive material provided with a layer of adhesive and comprises a relief structure with raised webs ("sections") forming substantially complementary channels in the layer of adhesive, through which air trapped during adhesion can escape, wherein the relief structure is an irregular polygonal structure comprising stochastically formed and distributed polygons having between four and seven angles and connected by their angles.

49. The differences between claim 1 of Serial No. '134 and this application are that this application requires the relief structure is an imprint on the substrate, and this

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application does not claim a particular shape of the relief structure until dependent claim 9.

50. Sher teaches a the relief pattern may be formed in a separating layer carrier ("liner") by passing the multiple layer film laminate through an engraved roller apparatus, which forms a relief pattern on the separating layer carrier ("release liner", Col. 15, ln. 19-21). So, the relief structure is formed in the substrate through the pressure applied to the laminar substrate in the rolling process.

51. It would have been obvious to one of ordinary skill in the art at the of invention to form a separating layer with a imprint in the substrate because Sher taught that forming a relief structure by passing the separating layer carrier through a roller apparatus is an effective means to form a relief structure (Col. 15, ln. 22).

52. Regarding claim 2, Serial No. '134 claim 6, claims a separating layer carrier ("interlayer support") wherein the substrate comprises paper.

53. Regarding claim 3, Serial No. '134 claim 8, claims a separating layer carrier ("interlayer support") wherein the substrate comprises coated paper.

54. Regarding claim 4, Serial No. '134 claim 11, claims a separating layer carrier ("interlayer support") wherein the substrate comprises paper coated with plastic.

55. Regarding claim 5, Serial No. '134 claim 7, claims a separating layer carrier ("interlayer support") wherein the substrate comprises plastic film.

56. Regarding claim 6, Serial No. '134 claim 11, claims a separating layer carrier ("interlayer support") wherein the substrate comprises plastic film coated with plastic.

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57. Regarding claim 7, Serial No. '134 claim 12, claims a separating layer carrier ("interlayer support") in which the relief structure is imprinted on the entire surface of the substrate.

58. Claim 9 claims an irregular polygonal structure comprising stochastically formed and distributed polygons having between four and seven angles and connected by their angles. Claim 1 of Serial No. '134 claims the same shape and distribution pattern.

59. Regarding claim 10, Serial No. '134 claim 2, claims a separating layer carrier ("interlayer support") in which relief structure comprises sections ("webs") having a width of from 50 μm to 200 μm and a height of from 5 μm to 40 μm .

60. Regarding claim 11, Serial No. '134 claim 3, claims a separating layer carrier ("interlayer support") in which each polygon structure has an area from 0.5 mm^2 to 3 mm^2 .

61. Regarding claim 12, Serial No. '134 claim 13, claims a self-adhesive material comprising a separating layer carrier ("interlayer support") according to claim 1.

Conclusion

62. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WALTER MOORE whose telephone number is (571) 270-7372. The examiner can normally be reached on Monday-Thursday 9:00-4:00.

63. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael LaVilla can be reached on (571) 272-1539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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64. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter Moore/
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